

## Attachment A

### Advanced Services

Issue 11 in XO Reply Brief (SBC Issue 4) and in XO 6/15 Matrix  
SBC Issue 4 in Joint Matrix

As directed by the ALJ, the parties have provided briefs using their respective matrixes of issues. XO's Initial and Reply Brief thus addressed its June 15 Matrix. The abandonment of the joint matrix developed by XO and SBC, however, has caused some problems for addressing SBC Issue 4 (Issue 11 in XO's brief). Both parties made considerable modifications to their proposed language in the joint matrix on this issue – some of that language reflecting a settlement of the issue and other language a refinement of the dispute. Both parties have briefed this issue with discussion based on the joint matrix language. Therefore, XO requests that the ALJ use the following language as the parties proposals for this issue rather than the language contained in each party's matrix of issues.

This language should replace the Issue 11 language beginning on page 69 of the 6/15 XO Matrix.

The following is **BOTH PARTIES' PROPOSED LANGUAGE IN ITS ENTIRETY** from the Joint Matrix under the issue Advanced Services:]

[For XO's Proposed Language, the Double Underline is language that was NOT in the 6/15 Matrix. The Bolded Double Underline was NOT in the 6/15 Matrix and is objected to by SBC.]

#### XO's Proposed Language:

3.1.4.1 Hybrid Loops: **SBC-ILLINOIS shall be required to provided nondiscriminatory access to hybrid loops on an unbundled basis, including narrowband and/or broadband transmission capabilities, pursuant to Applicable Law, including, but not limited to, Section 271 of the Act and state law**

3.2 Line Conditioning.

3.2. SBC-ILLINOIS shall condition a copper loop, at ~~no cost~~, a commission established rate consistent with 51.319(a)(1)(iii)(B). where CLEC seeks access to a copper loop, the high frequency portion of a copper loop, or a copper subloop to ensure that the copper loop or copper subloop is suitable for providing digital subscriber line services, including those provided over the high frequency portion of the copper loop or copper subloop, whether or not SBC-ILLINOIS offers advanced services to the end-user customer on that copper loop or copper subloop. CLEC has the option of refusing, in whole or in part, to have the line conditioned; and CLEC's refusal of some or all aspects of line conditioning will not diminish any right it may have under 47 C.F.R. §51.319(a)(1)(iii) to access the copper loop, the HFPL or the copper subloop. SBC-ILLINOIS shall recover the costs of line conditioning from CLEC in accordance with the FCC's forward-looking pricing principles promulgated pursuant to section 252(d)(1) of the Act and in compliance with the rules governing nonrecurring costs in §51.507(e) and at rates established by the appropriate State Commission.

3.2.2 Insofar as it is technically feasible, SBC-ILLINOIS shall test and report troubles for all the features, functions, and capabilities of conditioned copper lines, and may not restrict its testing to voice transmission only.

3.3 Maintenance, Repair, and Testing. SBC-ILLINOIS shall provide, on a nondiscriminatory basis, physical loop test access points to CLEC, upon request, at the splitter, through a cross-connection to CLEC's collocation space, or through a standardized interface, such as an intermediate distribution frame or a test access server, for the purpose of testing, maintaining, and repairing copper loops and copper subloops.

#### 1.19 Line Sharing and Line Splitting.

##### 1.19.1 Line Sharing.

1.19.1.1 SBC-13STATE shall provide nondiscriminatory access to Line Sharing on an unbundled basis pursuant Applicable Law, including, but not limited to, Section 271 of the Act and state law.

1.19.1.2 Notwithstanding anything to the contrary, Line Sharing elements and facilities that are required to be unbundled pursuant to Applicable Law, including, but not limited to, an order of the \*State Commission\*, a court of competent jurisdiction, and Section 271 of the Act, shall not be considered Nonconforming Facilities.

1.19.1.3 Pursuant to section 251(c)(3), SBC-13STATE shall also provision new Line Sharing arrangements under the Agreement. New Line Sharing arrangements means those arrangements serving end user customers acquired after October 2, 2003. SBC-13STATE shall provide new Line Sharing arrangements on a transitional basis pursuant to the rates, terms and conditions prescribed by the FCC in the Triennial Review Order and 47 C.F.R. Part 51, and as otherwise required by Applicable Law (including, but not limited to, 47 U.S.C. §271 and State Law).

1.19.1.4 Grandfathered Line Sharing. Pursuant to section 251(c)(3), any existing Line Sharing arrangement in place with an end user customer of CLEC will be grandfathered at existing rates, provided CLEC acquired the end user customer for xDSL service, using or with the intent to use Line Sharing, prior to October 2, 2003, and only so long as CLEC has not ceased providing xDSL service to that end user customer.

1.19.2 Line Splitting. SBC-13STATE shall provision Line Splitting arrangements under the Agreement pursuant to Applicable Law, including, but not limited to, Sections 271 and 251(c)(3), 47 C.F.R. Part 51, and State Law. SBC-13STATE shall enable CLEC to engage in line splitting using a splitter collocated at the Central Office.

1.19.2.1 SBC-13STATE's obligation to provide CLEC with the ability to engage in line splitting applies regardless of whether the carrier providing voice service provides its own switching or obtains local circuit switching as an unbundled network element pursuant to 47 U.S.C. §251(c)(3), 47 U.S.C. §271(c), or Applicable Law.

1.19.2.2 SBC-13STATE shall make all necessary network modifications, including providing nondiscriminatory access to operations support systems necessary for pre-ordering, ordering, provisioning, maintenance and repair, and billing for loops used in line splitting arrangements.

1.19.2.3 CLEC may utilize the LSR process to order line splitting.

1.19.3 Where CLEC seeks access to the high frequency portion of a copper loop or copper subloop and SBC-13STATE claims that conditioning that loop or subloop will significantly degraded, as defined in section 51.233 of the FCC's rules, the voiceband services that SBC-13STATE is currently providing over that loop or subloop, SBC-13STATE must either:

(a) Locate another copper loop or copper subloop that has been or can be conditioned, migrate SBC-13STATE's voiceband service to that loop or subloop, and provide CLEC with access to the high frequency portion of that alternative loop or subloop; or

(b) Make a showing to the state commission that the original copper loop or copper subloop cannot be conditioned without significantly degrading voiceband services on that loop or subloop, as defined in section 51.233 of the FCC's rules, and that there is no adjacent or alternative copper loop or copper subloop available that can be conditioned or to which the end-user customer's voiceband service can be moved to enable line sharing.

1.19.4 If, after evaluating SBC-13STATE's showing under section 51.319(a)(1)(iii)(D)(2) of the FCC's rules, the state commission concludes that a copper loop or copper subloop cannot be conditioned without significantly degrading the voiceband service, SBC-13STATE cannot then or subsequently condition that loop or subloop to provide advanced services to its own customers without first making available to CLEC the high frequency portion of the newly conditioned loop or subloop.

1.19.5 Access to Multiunit Premises Wiring. SBC-13STATE shall provide CLEC with nondiscriminatory access to the subloop for access to multiunit premises wiring on an unbundled basis regardless of the capacity level or type of loop that the CLEC seeks to provision for its customer.

1.19.6 Single Point of Interconnection. Upon notification by CLEC that it requests interconnection at a multiunit premises where SBC-13STATE owns, controls, or leases wiring, SBC-13STATE shall provide a single point of interconnection that is suitable for use by multiple carriers. This obligation shall be in addition to SBC-13STATE's obligations, under section 51.319(b)(2) of the FCC's' rules, to provide nondiscriminatory access to a subloop for access to multiunit premises wiring, including any inside wire, at any technically feasible point. If SBC-13STATE and CLEC are unable to negotiate rates, terms, and conditions under which SBC-13STATE will provide this single point of interconnection, then any issues in dispute regarding this obligation shall be resolved in state proceedings under Section 252 of the Act.

1.19.7 Technical Feasibility. If SBC-13STATE and CLEC are unable to reach agreement through voluntary negotiations as to whether it is technically feasible, or whether sufficient space is available, to unbundled a copper subloop or subloop for access to multiunit premises wiring at the point where CLEC requests, SBC-13STATE shall have the burden of demonstrating to the state commission, in state proceedings under Section 252 of the Act, that there is not sufficient space available, or that it is not technically feasible to unbundled the subloop at the point requested by CLEC.

1.19.8 Best Practices. Once one state commission has determined that it is technically feasible to unbundled subloops at a designated point, SBC-13STATE, in any state, shall have the burden of demonstrating to the state commission, in state proceedings under Section 252 of the Act, that it is not technically feasible, or that sufficient space is not available, to unbundle its own subloops at such a point.

[For SBC's Proposed Language, the Double Underline is language that was NOT in the 6/15 Matrix. The Bolded Language (regardless of any underlines) is language objected to by XO.]

### **SBC's Proposed Language:**

#### 3.2 Line Conditioning.

**3.2.1 SBC-ILLINOIS will condition 2-wire and 4-wire xDSL loops, xDSL subloops and the HFPL, to remove excessive bridged taps, load coils and repeaters at no charge to CLEC and without**

CLEC's request, on loops less than 12,000 feet in actual loop length. SBC-ILLINOIS shall condition a copper loop, at a commission established rate consistent with the FCC's lawful and effective rule 47 C.F.R. Section 51.319(a)(1)(iii)(B), as such rule may be modified from time to time, upon CLEC's request, where CLEC seeks access to a copper loop, the high frequency portion of a copper loop, or a copper subloop to ensure that the copper loop or copper subloop is suitable for providing digital subscriber line services, including those provided over the high frequency portion of the copper loop or copper subloop, whether or not SBC-ILLINOIS offers advanced services to the end-user customer on that copper loop or copper subloop. CLEC has the option of refusing, in whole or in part, to have the line ~~conditioned~~conditioned; and CLEC's refusal of some or all aspects of line conditioning will not diminish any right it may have, under the FCC's lawful and effective rule, 47 C.F.R. §51.319(a)(1)(iii), as such rule may be modified from time to time, to access the copper loop, the HFPL or the copper subloop. SBC-ILLINOIS shall recover the costs of line conditioning from CLEC in accordance with the FCC's forward-looking pricing principles promulgated pursuant to section 252(d)(1) of the Act and in compliance with the rules governing nonrecurring costs in §51.507(e). **The conditioning rates for the removal of excessive bridge taps, and load coils, repeaters are set forth in the Pricing Schedule to this Agreement ("Pricing Schedule"). To the extent that CLEC would like the option to request that a loop be conditioned by SBC Texas to remove any device other than excessive bridge taps, load coils and/or repeaters, to make a loop xDSL capable, the Parties shall first meet to negotiate rates, terms and conditions for any such conditioning.**

3.2.2 Insofar as it is technically feasible, SBC-ILLINOIS shall test and report troubles for all the features, functions, and capabilities of conditioned copper lines, and may not restrict its testing to voice transmission only.

3.3 Maintenance, Repair, and Testing. SBC-ILLINOIS shall provide, on a nondiscriminatory basis, physical loop test access points to CLEC, **upon request, at the splitter**, through a cross-connection to CLEC's collocation space, or through a standardized interface, such as an intermediate distribution frame or a test access server, for the purpose of testing, maintaining, and repairing copper loops and copper subloops **pursuant to the FCC's lawful and effective rule, 47 C.F.R. §51.319(a)(1)(iv), as such rule may be modified from time to time.**

### 3.10 HFPL

**The following rates, terms and conditions related to the High Frequency Portion of the Loop ("HFPL") and line sharing are hereby added to the HFPL/line sharing provisions in the underlying Agreement. To the extent there is any conflict between the HFPL/line sharing provisions set forth elsewhere in this Agreement and this Attachment, the provisions in this Attachment shall supersede and control .**

#### **3.10.1. Grandfathering of Existing Line Sharing Arrangements:**

**3.10.1.1 SBC-ILLINOIS Illinois will continue to provide access to the HFPL to CLEC ~~where CLEC where~~, prior to October 2, 2003, that CLEC began providing xDSL service to an end-user customer at that particular location ("Grandfathered End-User") and CLEC continues to provide xDSL service to such Grandfathered End-User. Such access to the HFPL shall be at the same monthly recurring rate that was in effect between SBC-ILLINOIS Illinois and CLEC for that HFPL prior to October 2, 2003.**

**3.10.1.2 A CLEC may continue to serve a Grandfathered End-User via the HFPL for any line sharing arrangement that CLEC had in place prior to October 2, 2003 at a particular location, until the earlier of: (i) CLEC's xDSL service to the Grandfathered End-User over the HFPL is disconnected for whatever reason at the existing location; or (ii) the FCC issues its Order in its Biennial Review Proceeding or any other relevant government action which modifies the requirements established by the FCC in its Triennial Review Order as to Grandfathered End-User(s).**

#### **3.10.2. "New" Line Sharing Arrangements**

3.10.2.1 ~~SBC-ILLINOIS~~ Illinois will provide CLEC with access to the HFPL between October 2, 2003 and October 2, 2006, where the CLEC begins/began providing xDSL service to a particular end-user customer on or after October 2, 2003 and before October 3, 2004 ("New End-Users"). On and after October 3, 2004, ~~SBC-ILLINOIS~~ Illinois shall have no obligation to provision, and the CLEC shall not submit any orders for, the HFPL to serve any new end-user customers.

3.10.2.2 With respect to any New End-User(s) that CLEC began/begins to provide xDSL service over the HFPL on or after October 2, 2003 and before October 3, 2004, the following monthly recurring rates shall apply to such HFPL:

Year 1: For the period from October 2, 2003 through October 2, 2003, CLEC may continue to obtain New End-Users through the use of the HFPL at 25 percent (25%) of the state approved monthly recurring rate, or 25% of the monthly recurring rate set forth in the Parties' Interconnection Agreement, as applicable, for access to the 2-wire copper xDSL Loop that was in effect on October 2, 2003 for that particular location.

Year 2: For the period from October 3, 2004 through October 2, 2005, the monthly recurring charge for the HFPL for those New End-Users which CLEC began providing xDSL-based service to over the HFPL at a certain location in Year 1, and for which CLEC continues to provide xDSL-based service at that same location in Year 2, shall increase to 50 percent (50%) of the state approved monthly recurring rate, or 50% of the monthly recurring rate set forth in the Parties' Interconnection Agreement, as applicable, for access to the 2-wire copper xDSL Loop that was in effect on October 2, 2003 for that particular location.

Year 3: For the period from October 3, 2005 until October 2, 2006, the monthly recurring charge for the HFPL for those New End-Users which CLEC began providing xDSL-based service to over the HFPL at a certain location in Year 1, and for which CLEC continues to provide xDSL-based service at that same location in Years 2 and 3, shall increase to 75 percent (75%) of the state approved monthly recurring rate, or 75% of the monthly recurring rate set forth in the Parties' Interconnection Agreement, as applicable, for access to the 2-wire copper xDSL Loop that was in effect on October 2, 2003 for that particular location.

3.10.3 Beginning October 2, 2006, ~~ILLINOIS~~ Illinois shall have no obligation to continue to provide the HFPL for CLEC to provide xDSL-based service to any New End-user(s) that CLEC began providing xDSL-based service to over the HFPL during Year 1 of the Transition Period. Rather, effective October 2, 2006, CLEC must provide xDSL-based service to any such New End-User(s) (along with any other new end-users) via a line splitting arrangement, over a stand-alone xDSL Loop purchased from SBC ~~ILLINOIS~~ Illinois, or through an alternate arrangement, if any, that the Parties may negotiate.